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INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

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TO USMISSION EC BRUSSELS PRIORITY

INFO AMEMBASSY BONN

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C O N F I D E N T I A L STATE 275890

E.O. 11652: GDS

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TAGS: EEC, PLOS, EFIS

SUBJECT: US-EC CONSULTATIONS: LOS/FISHERIES

SUMMARY. DISCUSSION OF LOS/FISHERIES ISSUES WAS FRANK AND USEFUL. COMPREHENSIVE DISCUSSION REVEALED GREAT AGREEMENT ON MOST ISSUES FACING LOS CONFERENCE. IN SOME AREAS EC COUNCIL HAS NOT DEVELOPED COMMON POSITION. US STRESSED IMPORTANCE OF SEABED MINING RESOLUTION AND HIGH LEVEL OF ATTENTION GIVEN TO LOS TREATY. EC AGREED THAT SECRETARY'S PROPOSALS OFFER ELEMENTS OF PACKAGE DEAL AND REVEALED APPROACH BY ACP COUNTRIES FOR TECHNICAL ASSISTANCE ON SEABED ENTERPRISE. EC STRESSED IMPORTANCE OF COMMUNITY ROLE IN FINAL LOS TREATY AND EXPRESSED CONCERN OVER POSSIBLE US NON-SUPPORT OF COMMUNITY SIGNATURE HERE AND IN GIFA. US INDICATED GENERAL SUPPORT FOR COMMUNITY SIGNATURE AND RESTATED READINESS TO NEGOTIATE GIFA ONCE EC HAS MANDATE. BOTH SIDES AGREED THAT PUSH FOR COMPREHENSIVE TREATY AND CONTINUED AND EXPANDED COOPERATION BETWEEN OUR DELEGATIONS ARE IMPORTANT. ADDITIONAL INFORMAL DISCUSSIONS ON FISHERIES HELPED CLARIFY RESPECTIVE POSITIONS. END SUMMARY.

1. LOS/FISHERIES WORKING GROUP HAD COMPREHENSIVE DISCUSSION OF LOS/FISHERIES ISSUES. BOTH SIDES HAD

SAME PERCEPTIONS OF MOST OUTSTANDING ISSUES AND GREAT AGREEMENT ON RANGE OF MOST DIFFICULT, I.E. SEABED MINING, ISSUES. US NOTED THAT COOPERATION AT LAST SESSION HAD BEEN USEFUL AND EXPRESSED HOPE IT WOULD CONTINUE AND INTENSIFY. EC AGREED AND SAID INTERNAL COMMUNITY ARRANGEMENTS WOULD FACILITATE COOPERATION IN THE FUTURE.

2. BOTH SIDES AGREED THAT LACK OF PROGRESS AT LAST LOS SESSION SHOULD NOT BE UNDULY DISCOURAGING AND EC EXPRESSED VIEW THAT MAY SESSION WILL BE CRUCIAL. EC DISCLOSED, CONFIDENTIALLY, INFORMAL APPROACH BY SOME ACP COUNTRIES FOR TECHNICAL ASSISTANCE ON EVALUATING HOW SEABED ENTERPRISE COULD BE SET UP AND OPERATED. CONFIDENTIAL

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US EXPRESSED APPRECIATION OF EC'S SHARING OF THIS INFORMATION AND SAID THIS IS POSSIBLE INDICATION G-77 IS NOT MONOLITIC AND MAY DEVELOP MORE MODERATE ATTITUDE.

3. BOTH SIDES AGREED ON PRIME IMPORTANCE OF PRIVATE AND NATIONAL ACCESS TO SEABEDS AND OF ISA COUNCIL IN WHICH INDUSTRIALIZED NATIONS WOULD HAVE INFLUENCE COMMENSURATE WITH THEIR INVESTMENTS AND ECONOMIC POWER.

FAILURE OF A TREATY TO SAFEGUARD THESE INTERESTS WOULD CAST RATIFICATION IN DOUBT.

4. EC POINTED OUT IMMEDIATE OBJECTIVE OF ENSURING THAT TREATY LANGUAGE NOT PRECLUDE POSSIBILITY OF EC SEAT (VICE MEMBER STATES SEATS) ON COUNCIL. EC SUGGESTED THAT SINGLE VOTE, REFLECTING TOTAL EC ECONOMIC STRENGTH AND INFLUENCE (JUST AS SINGLE US VOTE) WOULD CARRY MORE WEIGHT THAN OTHER SINGLE COUNTRY VOTES. IN ADDITION, EC-ONLY SEAT COULD OPEN UP SEATS FOR OTHER LIKE-MINDED INDUSTRIALIZED STATES. BOTH SIDES AGREED THAT ARTICLE 27 LANGUAGE ON POWERS AND COMPOSITION OF COUNCIL AND CRITERIA FOR MEMBERSHIP AND VOTING NEEDED CLARIFICATION AND IMPROVEMENT.

5. US UNDERScoreD IMPORTANCE OF ELIMINATING ANY ANTI-MONOPOLY OR ANTI-DOMINANCE CLAUSE IN TREATY AND EMPHASIZED THAT SUCH PROVISION VIEWED AS NO-SIGN, NON-RATIFICATION ISSUE BY BOTH CONGRESS AND EXECUTIVE BRANCH. EC SAID QUESTION HAD BEEN PUT TO EC COUNCIL BUT NOT YET DISCUSSED AND ADDED SUCH DISCUSSION NEEDED BEFORE MEETING WITH ACP STATES.

6. IN COMMITTEE II MATTERS BOTH SIDES AGREED ON PARAMOUNT IMPORTANCE OF ENSURING HIGH SEAS STATUS OF ECONOMIC ZONE (EZ) AND FOUND RSNT FISHERIES ARTICLES GENERALLY ACCEPTABLE. ON LL/GDS ACCESS TO EZ RESOURCES,

US FRANKLY INDICATED NO DIRECT INTEREST IN QUESTION EXCEPT IN REGARD TO SATISFACTORY SOLUTION. EC CANDIDLY STATED THEY DO NOT FAVOR MAKING SIGNIFICANT CONCESSIONS TO LL/GDS. ON DEFINING CONTINENT'- MARGIN BEYOND 200 MILES BOTH SIDES INDICATED SUPPORT FOR CANADIAN-CONFIDENTIAL

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IRISH PROPOSAL.

7. ON COMMITTEE III ISSUES, US EMPHASIZED CONCERN OVER STANDARD SETTING IN TERRITORIAL SEA (WHERE WE AND EC MEMBER STATES HAVE REAL DIFFERENCES) AND MARINE SCIENTIFIC RESEARCH (MSR). EC REPLIED THAT QUESTIONS HAD NOT BEEN LOOKED AT IN DEPTH WITH MEMBER STATES AND SUGGESTED THAT ONCE C-II ISSUES WERE AGREED, C-III WOULD FALL INTO PLACE. US DEMURRED ON SUGGESTION AND SAID M"R WOULD PROVOKE MAJOR FIGHT. WE ARE DISCOURAGED BY TREND TOWARD CONSENT REGIME FOR MSR AND HOPE FOR GREATER SUPPORT BY EC AND MEMBER STATES.

8. US REITERATED SUPPORT FOR EC SIGNATURE AND IMPORTANCE WE ATTACH TO ADHERENCE BY EC, BUT SAID FINAL DECISION

WILL FOLLOW STUDY OF ACCESSION CLAUSE AND ITS LEGAL IMPLICATIONS. EC OBSERVED THAT THEIR FORMULATION ON ADHERENCE COULD, AND SHOULD BE TIGHTENED UP, RECOGNIZING US CONCERN THAT NON-STATES SUCH AS NLM'S MUST BE EXCLUDED. ON DISPUTE SETTLEMENT, EC STATED IT WOULD HAVE RIGHT TO BECOME PARTY TO DISPUTES ARISING OUT OF A TREATY BUT THAT SKILLFUL DRAFTING NEEDED TO CLARIFY THIS.

9. ON LOS OUTLOOK, US EMPHASIZED BASIC OBJECTIVE REMAINS WIDELY ACCEPTABLE COMPREHENSIVE TREATY WHICH SAFEGUARDS VITAL US INTERESTS. US NOTED OUR CURRENT POLICY REVIEW AND DEVELOPMENT OF STRATEGY AND STRESSED PERSONAL INTEREST OF THE SECRETARY. EC THOUGHT ELEMENTS FOR PACKAGE DEAL WERE PRESENT IN C-I. BOTH SIDES ACKNOWLEDGED NEED "FORWARD WORK IN INTERSESSIONAL PERIOD, WITH CONTINUING, CANDID US-EC CONSULTATION.

10. ON FISHERIES, US REITERATED READINESS TO-ONCLUDE GIFA BUT POINTED OUT WE COULD NOT ENTER INTO SUBSTANTIVE NEGOTIATIONS UNTIL EC OBTAINED LEGAL MANDATE. EC EXPLAINED THE DIFFICULTIES THAT HAD HINDERED AGREEMENT ON A MANDATE AND EXPRESSED CONFIDENCE THAT NEXT COUNCIL MEETING WOULD RESULT IN THE KIND OF DIRECTIVES NEEDED.

11. REFERRING TO THEIR REVISED DRAFT GIFA, EC INDICATED
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THEIR VIEW THAT IT IS STRAIGHT FORWARD AGREEMENT WITH RECIPROCAL RECOGNITION OF FISHING ZONES AND RECIPROCAL PROVISIONS FOR ACCESS TO FISH SURPOLUSES. EC MADE CLEAR

THAT GIFA WOULD ALSO COVER OVERSEAS TERRITORIES IN CASES WHERE THEY ARE PART OF METROPOLE OF MEMBER STATES, THAT ALL ACTIVITIES AND RESPONSIBILITIES UNDER GIFA WOULD FLOW THROUGH COMMISSION, AND THAT COMMUNITY SIGNATURE OBLIGATED MEMBER STATES.

12. EC DELEGATE (GALLAGHER) ASSENTED TO WORKING GROUP REPORT ADDING THAT MANY LOS PROBLEM AREAS ARE MEMBER STATES ISSUES WHERE COMMISSION HAS NO COMPETENCE AND STRESSING EC VIEW THAT MANY LOS TEXTS ARE ACCEPTABLE ONLY IN CONTEXT OF COMPREHENSIVE TREATY.

13. EC DELEGATION CHIEF (GUNDELACH) COMMENDED WORKING GROUP ON EXCELLENT WORK AND REPORT AND STRESSED IMPORTANCE OF CONSULTATIONS ON ALL LEVELS, NOT JUST TECHNICAL. HE STATED LOS/FISHERIES ISSUES POSE GREAT CHALLENGE TO COMMUNITY, OPENING NEW AND CLARIFYING GRAY AREAS OF COMMUNITY POLICIES AND COMPETENCE. DYNAMICS IN FISHERIES

POLICY, E.G. RECOGNITION OF 200 MILE ZONE AS COMMUNITY WATERS IS NEW AREA NOT EVEN FOCUSSED ON EVEN A YEAR AGO-- WILL AFFECT DYNAMICS OF COMMUNITY IN OTHER AREAS. FINALLY, HE IS PLEASED US SEES POSSIBLE IMPORTANCE OF CONTACT BY ACP STATES IN POSSIBLE RESOLUTION OF LOS ISSUES.

14. US RESPONDED THAT INFORMATION ON ACP APPROACH IS HIGHLY SIGNIFICANT. THIS ISSUE IS MORE COMPLEX THAN PURE IDEOLOGY. THE G-77 COUNTRIES NEED TO RECOGNIZE THAT THEIR FUNDAMENTAL NATIONAL INTERESTS SHOULD PRECLUDE IDEOLOGICAL CONFRONTATION.

15. A FURTHER SESSION ON FISHERIES ADDRESSED EC COMMENTS ON REVISED DRAFT GIFA. BOTH SIDES AGREED THAT CONVERSATIONS WERE WITHOUT COMMITMENT AND WOULD BE HELPFUL AT SPEEDING UP NEGOTIATIONS ONCE MANDATES WERE RECEIVED. DURING THE TALKS EC DELEGATES CLARIFIED PORTIONS OF DRAFT REVISED GIFA AND PROVIDED SOME VIEWS ON EC THINKING CONFIDENTIAL

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WHICH HAD LED TO PROPOSED CHANGES TO US DRAFT. KISSINGER

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